

John B. Scherling (SBN 122234)
jscherling@sughrue.com
Scott H. Davison (SBN 228807)
sdavison@sughrue.com
SUGHRUE MION, PLLC
501 West Broadway, Suite 1600
San Diego, California 92101-3595
Tel: 619.238.3545
Fax: 619.238.4931

William H. Mandir (*pro hac vice*)
wmandir@sughrue.com
John F. Rabena (*pro hac vice*)
jrabena@sughrue.com
Carl J. Pellegrini (*pro hac vice*)
cpellegrini@sughrue.com
Chandran B. Iyer (*pro hac vice*)
cbiyer@sughrue.com
SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037
Tel: 202.293.7060
Fax: 202.293.7860

Attorneys for Plaintiff
GIRAFA.COM, INC.

Elizabeth Day (SBN 177125)
elizabeth.day@dlapiper.com
Aaron Wainscoat (SBN 218339)
aaron.wainscoat@dlapiper.com
DLA PIPER US LLP
2000 University Avenue
East Palo Alto, California 94303-2214
Tel: 650.833.2000
Fax: 650.833.2001

John R. Hurley (SBN 203641)
john.hurley@dlapiper.com
DLA PIPER US LLP
153 Townsend Street, Suite 800
San Francisco, California 94107-1957
Tel: 415.836.2500
Fax: 415.836.2501

Thomas G. Pasternak (*pro hac vice*)
thomas.pasternak@dlapiper.com
R. David Donoghue (*pro hac vice*)
david.donoghue@dlapiper.com
DLA PIPER US LLP
203 North LaSalle Street, Suite 1400
Chicago, Illinois 60601-1293
Tel: 312.368.4000
Fax: 312.236.7516

Attorneys for Defendant
ALEXA INTERNET, INC.; NIAL
O'DRISCOLL,

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

E-FILED - 12/4/08

GIRAFA.COM, INC.,

Plaintiff,

v.

ALEXA INTERNET, INC.; NIAL
O'DRISCOLL,

Defendants.

Case No.: 08-2745 RMW (RS)

**STIPULATION AND []
ORDER RE CASE MANAGEMENT
CONFERENCE**

In the October 6, 2008 Order Granting Defendants' Motion to Stay; Denying Defendants' Motion to Dismiss or Transfer; and Granting Motions to Dismiss and Strike Plaintiff's Third Claim, the Court set a case management conference for December 12, 2008 to address the status of *Alexa Internet, Inc. v. Girafa.com, Inc.*, No. 2:08-cv-121, the related action in the United States District Court for the Eastern District of Texas in which Plaintiff's motion to transfer that action to this district remains pending.

Other than the Court granting Defendants' motions to dismiss and strike Plaintiff's third claim for relief and staying the present action pursuant the October 6, 2008 Order, no further developments pertinent to a case management conference have taken place since the parties filed their Joint Case Management Conference Statement and Rule 26(f) Report on September 5, 2008.

Accordingly, through undersigned counsel, Plaintiff and Defendant hereby stipulate and request:

(1) The case management conference currently scheduled for December 12, 2008 be taken off calendar; and reset for February 13, 2009 @ 10:30 a.m.

~~(2) The parties will advise this Court within ten court days of the filing of a decision on Plaintiff's motion to transfer *Alexa Internet, Inc. v. Girafa.com, Inc.*, No. 2:08-cv-121 to this district, so a further case management conference can be scheduled as appropriate.~~

DATED: November 24, 2008

SUGHRUE MION, PLLC

By: /s/ John B. Scherling
John B. Scherling

Attorneys for Plaintiff
GIRAFACOM, INC.

DATED: November 24, 2008

DLA PIPER US LLP

By: /s/ Elizabeth Day (by consent)
Elizabeth Day

Attorneys for Defendant
ALEXA INTERNET, INC.

ECF CERTIFICATION

Pursuant to General Order No. 45, § X.B, the filing attorney attests that the content of this document is acceptable to all persons required to sign this document.

ORDER

This Stipulation and Order is hereby adopted by the Court. Accordingly:

(1) The case management conference currently scheduled for December 12, 2008 is vacated; and

(2) The parties shall advise this Court within ten court days of the filing of a decision on

Plaintiff's motion to transfer *Alexa Internet, Inc. v. Girafa.com, Inc.*, EDTX No. 2:08-cv-121

to this district, ~~so a further case management conference can be scheduled as appropriate.~~

PURSUANT TO STIPULATION, IT IS SO ORDERED.

The CMC is reset for February 13, 2009 @ 10:30 a.m. (rmw)

Dated: 12/4/08



Honorable Ronald M. Whyte
UNITED STATES DISTRICT JUDGE